

### REMARKS

Claims 1, 3-16, 19-28 and 30-32 are currently pending in the subject application and are presently under consideration. Claims 1, 11, 16 and 28 have been amended as shown on pages 2-5 of the Reply. The below comments present in greater detail distinctive features of applicants' claimed invention over the cited art that were conveyed to the Examiner over the telephone on June 20, 2008.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 11-15 Under 35 U.S.C §112**

Claims 11-15 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Withdrawal of this rejection is requested for at least the following reasons. Independent claim 11 recites *a computer implemented software tool interaction system comprising: means for generating a common classification scheme amongst a plurality of unrelated-software tools stored in a computer readable medium,...; and means for maintaining the common classification scheme to provide a foundation for a cohesive user experience and wherein the plurality of unrelated software design tools access the components.* The support for this is given in the specification at page 5 line 28 to page 7 line 25. Accordingly, it is requested that this rejection with respect to independent claim 11 (and the claims that depend from) be withdrawn.

#### **II. Rejection of Claims 1 and 3-15 Under 35 U.S.C. §101**

Claims 1 and 3-15 stands rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. The Federal Circuit has clearly established in *Eolas Techs., Inc. v. Microsoft Corp.*, 399 F.3d 1325, 1338 (Fed. Cir. 2005) and *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358. (Fed.Cir. 1999) that inventions such as that claimed by applicant is statutory.

This court must also decide whether software code made in the United States and exported abroad is a "component of a patented invention" under 271(f)... Section 271(f) refers to "components of a patented invention."... Title 35, section 101, explains that an invention includes "any new and useful process, machine, manufacture or composition of matter."... Without question, ***software code alone qualifies as an invention eligible for patenting under these categories***, at least as processes. *Eolas Techs., Inc. v. Microsoft Corp.*, 399 F.3d 1325, 1338 (Fed. Cir. 2005). (Emphasis added).

The Federal Circuit in *Eolas Techs., Inc. v. Microsoft Corp.* clearly established that software code alone is statutory subject matter. Independent claim 1 (and similarly recited in new independent claims 11) recites a ***computer implemented ... system***. A system by itself is statutory subject matter. By the standards set forth in the above decision, a computer implemented system in the form of software, hardware, or the combination of both clearly falls within the categories of statutory subject matter. Moreover claim 1 does recite that the claimed software components are stored in computer readable medium and are executable by a processing device. Accordingly, it is submitted that claim 1 recites statutory subject matter as it recites functional descriptive material stored in a computer readable storage medium.

In view of at least the foregoing, it is readily apparent that applicant's invention as recited in independent claims 1 and 11 (and associated dependent claims 3-10 and 12-15) is statutory subject matter. Accordingly, withdrawal of this rejection is respectfully requested.

### **III. Rejection of Claims 1, 3-4, 6, 16, 20 and 26 Under 35 U.S.C. §102(e)**

Claims 1, 3-4, 6, 16, 20 and 26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Meik, *et al.* (US 2005/0108200 A1). Withdrawal of this rejection is requested for at least the following reasons. The cited reference fails to disclose or suggest all aspects set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it ***expressly or inherently describes each and every limitation set forth in the patent claim***. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The ***identical invention must be shown in as complete detail as is contained in the ...***

*claim. Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The claimed invention relates to a distributed object classification systems and provides a method for unrelated tools to categorize elements they control according to a common, centrally managed classification scheme. To this end, amended independent claim 1 recites *a computer readable distributed classification system having computer executable components, comprising a plurality of software components shared by unrelated software design tools, stored in a computer readable medium, wherein each of the design tools controls at least one of the software components and a classification component that couples the software components to a common classification structure based on a structure type and comprising structure type class, node types and structural constraints, the structural constraints define the permissible parent-child relationship between the various node types, wherein a plurality of applications access the software components* Independent claim 16 recites similar features. Meik *et al.* fails to teach or suggest such novel features recited by the subject claims.

Meik *et al.* relates to search engines applied to the Internet or corporate intranet domains for retrieving accessible documents using automatic text categorization techniques, to support the presentation of search query results within high-speed network environments. At the cited portions, Meik *et al.* discloses corporate network domains that comprise documents in various formats and stored across various servers, and a system that filters the documents, performs content-related analysis and stored the documents in a knowledge database. Further, Meik *et al.* discloses automatic text classification of text documents into a set of categories or index terms, applying inductive learning techniques for automatically creating classifiers which use labeled training data and a search engine that performs document categorization. However, Meik *et al.* does not disclose the documents being controlled by design tools. In contrast, the claimed invention allows for a classification scheme that lets unrelated design tools to categorize the software components they control. Thus, Meik *et al.* is silent regarding *each of the design tools controls at least one of the software components* as recited by the subject claims.

Further at the cited portions at paragraph [258] and [262], Meik *et al.* discloses an update and maintenance procedure executed periodically on the knowledge database. A web crawler determines if the documents have been modified or deleted. However, Meik *et al.* does not

disclose a plurality of applications accessing the software components. In contrast, the claimed invention allows for multiple design tools to share the software components in the classified structure. Thus, Meik *et al.* is silent regarding ***a plurality of applications access the software components*** as recited by the subject claims.

By allowing unrelated software design tools to classify the elements they control according to a centrally managed classification system defining a structure type comprising structure type class, node types and structural constraints, and storing them in an organized hierarchy, the system allows different applications to access elements stored in the organized hierarchy.

In view of at least the foregoing it is readily apparent that Meik *et al.* do not disclose each and every element set forth in the applicants' subject claims. Accordingly it is requested that this rejection should be withdrawn.

#### **IV. Rejection of Claims 7, 9-12, 14-15, 21, 23-25, 27 and 30-32 Under 35 U.S.C. §103(a)**

Claims 7, 9-12, 14-15, 21, 23-25, 27 and 30-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Meik, *et al.* in view of Gargi, *et al.* (US 2005/0027712 A1).

Withdrawal of this rejection is requested for at least the following reasons. The cited references, alone or in combination, fail to disclose or suggest all aspects set forth in the subject claims.

The claimed invention relates to a distributed object classification systems and provides a method for unrelated tools to categorize elements they control according to a common, centrally managed classification scheme. To this end, amended independent claim 1 recites a distributed classification system comprising ***a plurality of software components shared by unrelated software design tools, stored in a computer readable medium, wherein each of the design tools controls at least one of the software components.... wherein a plurality of applications access the software components.*** Independent claims 11 and 28 recite similar features. Meik *et al.* and Gargi *et al.* fail to disclose such novel features recited by the subject claims.

Meik *et al.* relates to search engines applied to the Internet or corporate intranet domains for retrieving accessible documents using automatic text categorization techniques, to support the presentation of search query results within high-speed network environments. As discussed *supra* with respect to independent claim 1, Meik *et al.* is silent regarding the aforementioned features recited by the subject claims.

Gargi *et al.* relates to systems and methods for organizing a collection of objects. At the cited portions, Gargi *et al.* teaches an object manager that arranges objects into a sequence that is ordered in accordance with context related metadata associated with the object and automatically segments them into clusters. The context related metadata is then accessed to extract names for the clusters, and the objects are then arranged in a hierarchical structure. The objects classified by the system disclosed by Gargi *et al.*, are media objects or business process entities. However, Gargi *et al.* is silent regarding the objects being shared by the unrelated processes, or the objects being controlled by the unrelated design tools. Thus, Gargi *et al.* is silent regarding ***a plurality of software components shared by unrelated software design tools, stored in a computer readable medium, wherein each of the design tools controls at least one of the software components.... wherein a plurality of applications access the software components*** as recited by the subject claims.

In view of at least the foregoing it is readily apparent that Meik *et al.* and Gargi *et al.* either alone or in combination do not teach or suggest each and every element set forth in the applicants' subject claims. Accordingly it is requested that this rejection should be withdrawn.

**V. Rejection of Claims 5, 8, 13, 19 and 22 Under 35 U.S.C. §103(a)**

Claims 5, 8, 13, 19 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Meik, *et al.* in view of Gargi, *et al.* further in view of Omoigui, *et al.* (US 2003/0126136 A1). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Meik, *et al.*, Gargi *et al.* and Omoigui *et al.*, alone or in combination, do not teach or suggest all aspects set forth in the subject claims.

Claims 5, 8, 13, 19 and 22 depend from independent claims 1, 11, and 16 respectively. As discussed *supra*, Meik, *et al.* and Gargi *et al.* do not disclose all the features of independent claims 1, 11 and 16. Omoigui *et al.* relates to knowledge retrieval, management and presentation of domain specific semantic information and fails to make up for the aforementioned deficiencies of Meik, *et al.* and Gargi *et al.* with respect to the independent claims. Thus, applicants' invention as recited in the subject claims is not obvious over the combination of Meik, *et al.*, Gargi *et al.* and Omoigui *et al.* Accordingly, it is respectfully submitted that this rejection should be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP636US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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